AO 91 (Rev. 01/09) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
APR 12 2017
AT ____ O'CLOCK ____
Lawrence K. Baerman, Clerk - Albany

UNITED STATES DISTRICT COURT

for the

NORTHERN District of NEW YORK

United States of America
v.
Nicola PISANI
Defendant

Case No. 8:17-MJ-163 (CFH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 10, 2017 in the county of Clinton in the Northern District of New York, the defendant violated 8 U. S. C. § 1324(a)(2)(A), an offense described as follows:

Nicola PISANI, knowing and in reckless disregard of the fact that Salvatore PISANI, an alien, native and citizen of Italy, had not received prior official authorization to come to, enter, or reside in the United States, did bring to and attempted to bring to the United States such alien near Mooers, NY on April 10, 2017, all in violation of 8 USC 1324(a)(2)(A).

This criminal complaint is based on these facts:

On April 10, 2017, Nicola PISANI was encountered at the Mooers, NY Port of Entry at 1823 hours returning to the United States as a U.S. citizen. Nicola PISANI declared he had entered Canada April 6, 2017 with three Italian nationals who were also present at time of inspection. None of the passengers were identified as Salvatore PISANI. During inspection, Nicola PISANI was found in possession of luggage bearing the name "Salvatore PISANI". The luggage was found to contain identity documents, airline tickets and travel reservations also in the name "Salvatore PISANI". At 1850 hours on April 10, 2017 U.S. Border Patrol Agents apprehended Salvatore PISANI in a wooded area near Blackman's Corner's Road, a location approximately 2,000ft from the international border and approximately 2.5 miles from the Mooers, NY Port of Entry. Agents determined Salvatore PISANI was an alien, a citizen of Italy with no evidence of lawful admission to the United States. Nicola PISANI was questioned and during a law enforcement interview admitted that Salvatore PISANI was his nephew and identified him by photograph. Nicola PISANI stated he dropped Salvatore PISANI off on Nichols Road in Canada, north of the U.S. border, and intended to pick him up on the U.S. side of the border. Nicola PISANI admitted he knew Salvatore PISANI intended to cross the international border without inspection and planned to transport Salvatore PISANI to his home in NJ, where he would reside in the United States indefinitely. Nicola PISANI further admitted he was aware his nephew had been denied ESTA travel authorization to come to the United States and was present with his nephew in Naples, Italy when Salvatore PISANI was denied a U.S. visa on or about December 12, 2016. Nicola PISANI is a native of Italy and a citizen of the United States.

❒ Continued on the attached sheet.

*Attested to by the Applicant in Accordance with the Requirements of Rule 41 of the Federal Rules of Criminal Procedure

Complainant's signature

*Andrew Harder, CBPOE
Printed name and title

Sworn to before me and signed in my presence.

Date: April 12, 2017

Judge's signature

City and state: Albany, NY

Hon. Christian F. Hummel, U.S. Magistrate Judge
Printed name and title